

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**ROMELL BROOM,**

Plaintiff,

vs.

**TED STRICKLAND, Governor, et al.,**

Defendants.

)  
) Case Number: 2:09-CV-823

)  
) Judge Gregory L. Frost

)  
)  
) **JOINT MOTION OF ALL PARTIES TO  
PERMIT USE OF PROTECTED  
MATERIALS IN PENDING OHIO  
SUPREME COURT ACTION**

The parties to this action, by and through their respective undersigned counsel, and pursuant to the terms of the Protective Order employed in Case No. 2:04-cv-1156 (Case No. 2:04-cv-1156, Docket Entry No. 413) and made applicable to this action by this Court's order of September 22, 2009 (Docket Entry No. 11) (hereinafter "the Protective Order"), hereby move this Honorable Court to issue an order authorizing the parties to this action to utilize, in the prosecution and defense of the action filed by Romell Broom on September 18, 2009, in the Ohio Supreme Court and captioned In the Matter of Romell Broom, Case No. 2009-1686 ("the Broom State Court Action"), any materials that may be subject to and/or designated as "confidential" or "highly confidential" under the Protective Order (including, specifically, discovery documents, deposition transcripts, deposition exhibits, and hearing transcripts and exhibits) (collectively "Protected Materials").

The Parties request that the Court's authorization for the parties to utilize Protected Materials in the Broom State Court Action include: (1) all such usages of Protected Materials that are authorized and permitted in this action under the Protective Order, subject to the terms of

the Protective Order; and (2) the right of any party hereto to file any Protected Materials with the Ohio Supreme Court in the Broom State Court Action, provided that, before filing with the Ohio Supreme Court any Protected Materials that are required by the Protective Order to be filed under seal if such Protected Materials were filed with the Court in this action, the party or parties making such filing with the Ohio Supreme Court shall notify the Ohio Supreme Court of the Protective Order and shall file such Protected Materials under seal with the Ohio Supreme Court according to that court's rules for such "under seal" filings. The Parties agree that they shall cooperate in securing such "under seal" protection from the Ohio Supreme Court for any Protected Materials that any party hereto may seek to file in the Ohio Supreme Court in the Broom State Court Action. Any Protected Materials that are not required by the Protective Order to be filed under seal in this action shall, likewise, not be required to be filed under seal in the Broom State Court Action.

A proposed order is attached hereto.

For all of these reasons, and in the interest of justice, the parties request that the Court issue an order authorizing the parties to this action to utilize Protected Materials in the Broom State Court Action as requested herein and subject to the restrictions identified herein.

Dated: October 26, 2009

Respectfully Submitted,

/s/ Timothy F. Sweeney

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/s/ Charles L. Wille [BY EMAIL CONSENT]

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Counsel for Defendants

### **CERTIFICATE OF SERVICE**

This is to certify that, on this 26<sup>th</sup> day of October 2009, the foregoing JOINT MOTION OF ALL PARTIES TO PERMIT USE OF PROTECTED MATERIALS IN PENDING OHIO SUPREME COURT ACTION, with attached Proposed Order, was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Timothy F. Sweeney

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Timothy F. Sweeney (0040027)  
One of the attorneys for Plaintiff

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**ROMELL BROOM,**

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Defendants.

)  
) Case Number: 2:09-CV-823  
)  
) Judge Gregory L. Frost  
)  
)  
) [PROPOSED]  
) **ORDER GRANTING JOINT MOTION**  
) **OF ALL PARTIES TO PERMIT USE OF**  
) **PROTECTED MATERIALS IN**  
) **PENDING OHIO SUPREME COURT**  
) **ACTION**  
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The Court has before it the Joint Motion of All Parties to Permit Use of Protected Materials in Pending Ohio Supreme Court Action (Docket No. \_\_\_\_);

The Motion is made pursuant and in reference to the terms of the Protective Order employed in Case No. 2:04-cv-1156 (Case No. 2:04-cv-1156, Docket Entry No. 413) and made applicable to this action by this Court's order of September 22, 2009 (Docket Entry No. 11) (hereinafter "the Protective Order");

The Motion seeks an order from this Court granting authorization to the parties in this action to utilize, in the prosecution and defense of the action filed by Romell Broom on September 18, 2009, in the Ohio Supreme Court and captioned In the Matter of Romell Broom, Case No. 2009-1686 ("the Broom State Court Action"), any materials that may be subject to and/or designated as "confidential" or "highly confidential" under the Protective Order (including, specifically, discovery documents, deposition transcripts, deposition exhibits, and hearing transcripts and exhibits) (collectively "Protected Materials");

Being fully advised in the matter, the Court hereby orders as follows:

IT IS ORDERED, ADJUDGED AND DECREED that the parties to this action are hereby authorized to utilize Protected Materials in the Broom State Court Action, subject to all of the requirements and restrictions of this Order, and this authorization shall include: (1) all such usages of Protected Materials that are authorized and permitted in this action under the Protective Order, subject to the terms of the Protective Order; and (2) the right of any party hereto to file any Protected Materials with the Ohio Supreme Court in the Broom State Court Action, provided that, before filing with the Ohio Supreme Court any Protected Materials that are required by the Protective Order to be filed under seal if such Protected Materials were filed with the Court in this action, the party or parties making such filing with the Ohio Supreme Court shall notify the Ohio Supreme Court of the Protective Order and shall file such Protected Materials under seal with the Ohio Supreme Court according to that court's rules for such "under seal" filings. The Parties shall cooperate in securing such "under seal" protection from the Ohio Supreme Court for any Protected Materials that any party hereto may seek to file in the Ohio Supreme Court in the Broom State Court Action. Any Protected Materials that are not required by the Protective Order to be filed under seal in this action shall, likewise, not be required to be filed under seal in the Broom State Court Action. Except as expressly authorized herein, the parties and their counsel shall continue to be bound by all of the terms of the Protective Order.

IT IS SO ORDERED this \_\_\_\_ day of October 2009.

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JUDGE GREGORY L. FROST